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*Counsel for Defendants James Dondero,
Nancy Dondero, Highland Capital
Management Fund Advisors, L.P., HCRE
Partners LLC, and Highland Capital
Management Services, Inc.*

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*Counsel for Nexpoint Advisors, L.P. and
Highland Capital Management Fund Advisors,
L.P.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
	§	
Plaintiff,	§	Consolidated Under Civ. Act. No.
	§	3:21-cv-00881
	§	
v.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P., et. al.,	§	(Consolidated with 3:21-cv-00880-X,
	§	3:21-cv-01010-X, 3:21-cv-01378-X, 3:21-cv-
	§	01379-X)
	§	
Defendants.	§	

**APPENDIX IN SUPPORT OF JAMES DONDERO, NANCY DONDERO, HIGHLAND
CAPITAL MANAGEMENT FUND ADVISORS, L.P., HCRE PARTNERS LLC N/K/A
NEXPOINT REAL ESTATE PARTNERS LLC, HIGHLAND CAPITAL
MANAGEMENT SERVICES, INC., AND NEXPOINT ADVISORS, L.P.'S RESPONSE
TO HIGHLAND CAPITAL MANGEMENT, L.P.'S MOTION FOR LEAVE TO EXCEED
PAGE LIMIT**

**APPENDIX IN SUPPORT OF JAMES DONDERO, NANCY DONDERO, HIGHLAND
CAPITAL MANAGEMENT FUND ADVISORS, L.P., HCRE PARTNERS LLC N/K/A
NEXPOINT REAL ESTATE PARTNERS LLC, HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC., AND NEXPOINT ADVISORS, L.P.'S RESPONSE TO HIGHLAND
CAPITAL MANGEMENT, L.P.'S MOTION FOR LEAVE TO EXCEED PAGE LIMIT**

Defendants file this Appendix in Support of their *Response to Highland Capital Management, L.P.'s Motion for Leave to Exceed Page Limit*, and request this Court take judicial notice of the documents contained herein.

Exhibit	Document	Appendix Page(s)
A	Declaration of Michael P. Aigen in Support of Defendants' Response to Highland Capital Management, L.P.'s Motion for Leave to Exceed Page Limit, dated March 2, 2023	App. 1-4
1.	Email between John A. Morris and Traci Ellison, dated February 27, 2023	App. 5-6
2.	Email between John A. Morris and Michael P. Aigen, dated August 8, 2022	App. 7-12
3.	Email between John A. Morris and Davor Rukavina, dated March 23, 2021	App. 13-15
4.	Email between Michael P. Aigen and Hayley R. Winograd, dated October 11, 2022	App. 16-17
5.	Email between John A. Morris and Michael P. Aigen, dated February 23, 2023	App. 18-20
6.	Email between Michael P. Aigen and John A. Morris, dated February 24, 2023	App. 21-23
7.	Email between John A. Morris and Michael P. Aigen, dated February 24, 2023	App. 24-27
8.	Email between John A. Morris and Deborah Deitsch-Perez, dated February 7, 2023	App. 28-30

Dated: March 3, 2023

Respectfully submitted,

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez
State Bar No. 24036072
Michael P. Aigen
State Bar No. 24012196
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Email: deborah.deitschperez@stinson.com
Email: michael.aigen@stinson.com

**ATTORNEYS FOR JAMES DONDERO, NANCY
DONDERO, HIGHLAND CAPITAL MANAGEMENT
FUND ADVISORS, L.P., HIGHLAND CAPITAL
MANAGEMENT SERVICES, INC. AND NEXPOINT
REAL ESTATE PARTNERS, LLC**

/s/Davor Rukavina

Davor Rukavina
Julian P. Vasek
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500 N. Akard Street, Suite 3800
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(214) 855-7500 telephone
(214) 978-4375 facsimile
Email: drukavina@munsch.com

**ATTORNEYS FOR NEXPOINT ADVISORS, L.P., AND
HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.**

CERTIFICATE OF SERVICE

I certify that on March 3, 2023, a true and correct copy of the foregoing document was served via the Court's Electronic Case Filing system to the parties that are registered or otherwise entitled to receive electronic notices in this case.

/s/ Deborah Deitsch-Perez

Deborah Deitsch-Perez

EXHIBIT A

1. I am a member of the law firm of Stinson LLP, counsel to Defendants James Dondero and Nancy Dondero, Highland Capital Management Fund Advisors, L.P., Highland Capital Management Services, Inc. and NexPoint Real Estate partners, LLC, and I submit this Declaration in support of *James Dondero, Nancy Dondero, Highland Capital Management Fund Advisors, L.P., HCRE Partners LLC N/K/A NexPoint Real Estate Partners LLC, Highland Capital Management Services, Inc., and NexPoint Advisors, L.P.'s Response to Highland Capital Management, L.P.'s Motion for Leave to Exceed Page Limit*, which is being filed concurrently with this Declaration. I submit this Declaration based on my personal knowledge and the documents listed below.

2. Attached as **Exhibit 1** is a true and correct copy of email correspondence from John A. Morris to Traci Ellison on February 27, 2023.

3. Attached as **Exhibit 2** is a true and correct copy of email correspondence from John A. Morris to me on August 8, 2022.

4. Attached as **Exhibit 3** is a true and correct copy of email correspondence from John A. Morris to Davor Rukavina on March 23, 2021.

5. Attached as **Exhibit 4** is a true and correct copy of email correspondence from Hayley R. Winograd to me on October 11, 2022.

6. Attached as **Exhibit 5** is a true and correct copy of email correspondence from John A. Morris to me on February 23, 2023.

7. Attached as **Exhibit 6** is a true and correct copy of email correspondence from me to John A. Morris on February 24, 2023.

App. 03

8. Attached as **Exhibit 7** is a true and correct copy of email correspondence from John A. Morris to me on February 24, 2023.

9. Attached as **Exhibit 8** is a true and correct copy of email correspondence from John A. Morris to Deborah Deitsch-Perez on February 7, 2023.

Dated: March 3, 2023

/s/ Michael P. Aigen
Michael P. Aigen

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on March 2, 2023, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on all parties who are registered to receive notices in this case.

/s/ Michael P. Aigen
Michael P. Aigen

EXHIBIT 1

From: John A. Morris <jmorris@pszjlaw.com>
Sent: Monday, February 27, 2023 8:02 AM
To: traci_ellison@txnb.uscourts.gov
Cc: Jeff Pomerantz; Gregory V. Demo; Hayley R. Winograd; zannable@haywardfirm.com; Deitsch-Perez, Deborah R.; Aigen, Michael P.; 'drukavina@munsch.com'; 'Vasek, Julian'; ddraper@hellerdraper.com; 'elmsd@gtlaw.com'
Subject: Highland Request to Notify the District Court that the reference can be withdrawn in the Notes Litigation

External Email – Use Caution

Dear Ms. Ellison,

Highland Capital Management, L.P. (“Highland”) recently filed in the United States District Court for the Northern District of Texas (the “District Court”) its response to HCMFA’s objection (*see* 3:21-cv-00881-X, Docket Nos. 99 and 100) to the last Supplemental Report and Recommendation issued by the Bankruptcy Court in connection with the “notes litigation.” *See* Adv. Pro. No. 21-03082, Docket No. 84.

Highland’s filing completes all briefing in connection with the “notes litigation” that has been consolidated in the District Court. Highland therefore respectfully requests that the Bankruptcy Court notify the District Court of this development so that the District Court is aware that the Bankruptcy Court’s Reports and Recommendations regarding Highland’s summary judgment motions and related matters are ready for the District Court’s adjudication. *See* 3:21-cv-00881-X, *Order*, Docket No. 14 (stating that the Bankruptcy Court “should notify” the District Court when the Bankruptcy Court concludes that the case is ready for the District Court).

Please let us know if the Court has any questions.

Regards,

John

John A. Morris

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212.561.7760

Tel: 212.561.7700 | Fax: 212.561.7777

jmorris@pszjlaw.com

[vCard](#) | [Bio](#) | [LinkedIn](#)



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EXHIBIT 2

From: John A. Morris <jmorris@pszjlaw.com>
Sent: Monday, August 8, 2022 3:33 PM
To: Aigen, Michael P.
Cc: Hayley R. Winograd; Deitsch-Perez, Deborah R.; Rukavina, Davor (drukavina@munsch.com); jvasek@munsch.com; DuBois, Grant
Subject: RE: Highland: Stipulation for Objection to R&R and Proposed Form of Judgment in Notes Litigation

Thank you Michael.

We have a different definition of "substantially less" since you're going to eliminate just 7 of 90 pages, or less than 8%.

We continue to believe that this is too long but won't spend any more time trying to convince you otherwise.

You may file a motion with the District Court asking for permission to file up to 83 pages in total, provided you include the following statement:

Defendants have consulted with Plaintiff. While Plaintiff does not believe an 83-page objection is warranted, Plaintiff will not object to any page limit the Court deems appropriate under the circumstances."

Let me know if that works.

Regards,

John

John A. Morris
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Tel: 212.561.7700 | Fax: 212.561.7777
jmorris@pszjlaw.com
vCard | Bio | LinkedIn

Los Angeles | San Francisco | Wilmington, DE | New York | Houston

-----Original Message-----

From: Aigen, Michael P. [mailto:michael.aigen@stinson.com]
Sent: Monday, August 8, 2022 12:54 PM
To: John A. Morris <jmorris@pszjlaw.com>
Cc: Hayley R. Winograd <hwinograd@pszjlaw.com>; Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com>; Rukavina, Davor (drukavina@munsch.com) <drukavina@munsch.com>; jvasek@munsch.com; Dubois, Grant <grant.dubois@stinson.com>
Subject: RE: Highland: Stipulation for Objection to R&R and Proposed Form of Judgment in Notes Litigation

John,

App. 08

After talking with everyone, it appears we can get by with 83 pages to be allocated b/t our 2 briefs. That is substantially less than the summary judgment briefing. Is that something you can agree to?

Thanks
Mike

Michael P. Aigen
Partner

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Dallas, TX 75201
Direct: 214.560.2201 \ <https://www.stinson.com/people-MichaelAigen>

<http://www.stinson.com>

We've moved! Please note our new Dallas address above.

-----Original Message-----

From: John A. Morris <jmorris@pszjlaw.com>
Sent: Sunday, August 7, 2022 4:24 PM
To: Aigen, Michael P. <michael.aigen@stinson.com>
Cc: Hayley R. Winograd <hwinograd@pszjlaw.com>; Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com>; Rukavina, Davor (drukavina@munsch.com) <drukavina@munsch.com>; jvasek@munsch.com; Dubois, Grant <grant.dubois@stinson.com>
Subject: Re: Highland: Stipulation for Objection to R&R and Proposed Form of Judgment in Notes Litigation

Michael,

You asked for 65/25.

We countered with 50 total. We don't care how you and Davor allocate the pages, nor do we think it's necessary — particularly now that the other HCMFA notes litigation, based on the same defense asserted by all other makers, has been consolidated.

But if you decide to file separate briefs, we leave it to you to decide how to allocate the pages.

In the end, in our view, the objection should not be the same length as the summary judgment papers.

We'll consider a counter, but will not agree to 65/25 (let alone 50/50).

Regards,

John

Sent from my iPhone

On Aug 7, 2022, at 5:14 PM, Aigen, Michael P. <michael.aigen@stinson.com> wrote:

Thanks, John. Can you clarify whether you are suggesting:

App. 09

A) all of the defendants get 50 pages in total; or

B) HCMFA can have a 50 page brief and all the other defendants combined can have one 50 page brief.

I suspect you are offering A. But I just wanted to confirm that, as that really isn't an extension for us because we can already have one 25 page for HCMFA and one 25 page brief for the other defendants.

Like we said, we are just looking for an extension so that we can file the same size briefs that we filed in the Bankruptcy Court and no more.

Thanks,
Michael

From: "John A. Morris" <jmorris@pszjlaw.com<mailto:jmorris@pszjlaw.com>>
Subject: Highland: Stipulation for Objection to R&R and Proposed Form of Judgment in Notes Litigation
Date: 05 August 2022 12:27
To: "Aigen, Michael P." <michael.aigen@stinson.com<mailto:michael.aigen@stinson.com>>
Cc: "Hayley R. Winograd" <hwinograd@pszjlaw.com<mailto:hwinograd@pszjlaw.com>>, "Deitsch-Perez, Deborah R." <deborah.deitschperez@stinson.com<mailto:deborah.deitschperez@stinson.com>>, "Rukavina, Davor (drukavina@munsch.com<mailto:drukavina@munsch.com>)" <drukavina@munsch.com<mailto:drukavina@munsch.com>>, "jvasek@munsch.com<mailto:jvasek@munsch.com>" <jvasek@munsch.com<mailto:jvasek@munsch.com>>, "Dubois, Grant" <grant.dubois@stinson.com<mailto:grant.dubois@stinson.com>>

Michael,

Respectfully, we are not going to agree to such expansive submissions.

We'll agree to 50 pages; you can allocate it as you wish. We'll limit ourselves to 40.

Let me know if that works.

Thanks.

John

John A. Morris
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jmorris@pszjlaw.com<mailto:jmorris@pszjlaw.com>
vCard<<http://www.pszjlaw.com/vcard-91.vcf>> | Bio<<http://www.pszjlaw.com/attorneys-john-morris.html>> |
LinkedIn<<https://www.linkedin.com/in/john-morris-a52417a>>

[pszjlogo]

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From: Aigen, Michael P. [mailto:michael.aigen@stinson.com]

App. 10

Sent: Friday, August 5, 2022 10:39 AM

To: John A. Morris <jmorris@pszjlaw.com>

Cc: Hayley R. Winograd <hwinograd@pszjlaw.com>; Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com>; Rukavina, Davor (drukavina@munsch.com) <drukavina@munsch.com>; 'jvasek@munsch.com' <jvasek@munsch.com>; Dubois, Grant <grant.dubois@stinson.com>

Subject: RE: Highland: Stipulation for Objection to R&R and Proposed Form of Judgment in Notes Litigation

John,

We would like to see if we can agree on page limits regarding the briefing on the objections to the summary judgment R&R. Obviously, we really do not want to file separate briefs for all the separate Defendants. I believe that Davor indicated he can handle his HCMFA mutual mistake issue in 25 pages. (Davor, please correct me if I am incorrect.) And we can handle everything else in one 65-page brief, like we did at summary judgment.

So would you agree to allow us to have a 65-page limit for our omnibus brief covering all the issues other than Davor's mutual mistake briefing, which will be done separately?

Thanks,
Mike

Michael P. Aigen
Partner

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Dallas, TX 75201
Direct: 214.560.2201 \ Bio<<https://www.stinson.com/people-MichaelAigen>>

STINSON.COM<<http://www.stinson.com>>

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From: John A. Morris <jmorris@pszjlaw.com<<mailto:jmorris@pszjlaw.com>>>

Sent: Monday, July 25, 2022 11:59 AM

To: Aigen, Michael P. <michael.aigen@stinson.com<<mailto:michael.aigen@stinson.com>>>

Cc: Hayley R. Winograd <hwinograd@pszjlaw.com<<mailto:hwinograd@pszjlaw.com>>>; Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com<<mailto:deborah.deitschperez@stinson.com>>>; Rukavina, Davor (drukavina@munsch.com<<mailto:drukavina@munsch.com>>)

<drukavina@munsch.com<<mailto:drukavina@munsch.com>>>; 'jvasek@munsch.com'

<jvasek@munsch.com<<mailto:jvasek@munsch.com>>>

Subject: FW: Highland: Stipulation for Objection to R&R and Proposed Form of Judgment in Notes Litigation

External Email – Use Caution
Adding Hayley

From: John A. Morris
Sent: Monday, July 25, 2022 12:58 PM

App. 11

To: Aigen, Michael P. (michael.aigen@stinson.com<mailto:michael.aigen@stinson.com>)
<michael.aigen@stinson.com<mailto:michael.aigen@stinson.com>>
Cc: Deborah R. Deitsch-Perez (deborah.deitschperez@stinson.com<mailto:deborah.deitschperez@stinson.com>)
<deborah.deitschperez@stinson.com<mailto:deborah.deitschperez@stinson.com>>; Rukavina, Davor
(drukavina@munsch.com<mailto:drukavina@munsch.com>)
<drukavina@munsch.com<mailto:drukavina@munsch.com>>; 'jvasek@munsch.com'
<jvasek@munsch.com<mailto:jvasek@munsch.com>>
Subject: Highland: Stipulation for Objection to R&R and Proposed Form of Judgment in Notes Litigation

Michael:

Attached is a revised version of the Stipulation and a black-line marked to show changes.

In addition to adding some "WHEREAS" clauses for completeness, the only substantive change is the removal of the provision concerning any reply (something we never discussed).

As you know, this is an objection governed by Fed. R. Bank. P. 9033, not a motion, and there is no provision for a reply nor will HCMLP consent to one. See Fed. R. Bank. P. 9033(b).

Please let us know if you have any remaining comments.

Regards,

John

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vCard<<http://www.pszjlaw.com/vcard-91.vcf>> | Bio<<http://www.pszjlaw.com/attorneys-john-morris.html>> |
LinkedIn<<https://www.linkedin.com/in/john-morris-a52417a>>

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Michael P. Aigen
Partner

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Direct: 214.560.2201 \ Bio<<https://www.stinson.com/people-MichaelAigen>>

STINSON.COM<<http://www.stinson.com>>

We've moved! Please note our new Dallas address above.

App. 12

EXHIBIT 3

From: John A. Morris <jmorris@pszjlaw.com>
Sent: Tuesday, March 23, 2021 9:49 AM
To: Rukavina, Davor <drukavina@munsch.com>; Jeff Pomerantz <jpomerantz@pszjlaw.com>
Subject: RE: Mandatory Injunction Adversary

Davor, we cannot accommodate this request.

Regards,

John

John A. Morris
Pachulski Stang Ziehl & Jones LLP
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Tel: 212.561.7700 | Fax: 212.561.7777
jmorris@pszjlaw.com
[vCard](#) | [Bio](#) | [LinkedIn](#)



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From: Rukavina, Davor [<mailto:drukavina@munsch.com>]
Sent: Monday, March 22, 2021 3:28 PM

App. 14

To: John A. Morris; Jeff Pomerantz

Subject: Mandatory Injunction Adversary

I know you guys are in a hearing, but can I have through this Friday to file my answer? I have not been able to get a hold of DC for days, as he has been travelling with very limited service.

Thank you

Davor Rukavina, Esq.

Munsch Hardt Kopf & Harr, P.C.

500 N. Akard Street, Suite 3800 / Dallas, Texas 75201-6659

Direct: +1.214.855.7587 / drukavina@munsch.com / munsch.com

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EXHIBIT 4

From: Hayley R. Winograd <hwinograd@pszjlaw.com>
Sent: Tuesday, October 11, 2022 6:29 PM
To: Aigen, Michael P.; 'Rukavina, Davor'; Deitsch-Perez, Deborah R.
Cc: John A. Morris; Gregory V. Demo; Jeff Pomerantz
Subject: Case 3:21-cv-00881-X - Demand for Withdrawal of Reply

External Email – Use Caution

Counsel:

As you are aware, earlier today, Defendants filed their *Reply to Plaintiff's Response to Defendants' Revised Objection to the Bankruptcy Court's Report and Recommendation to the District Court Proposing that it Grant Summary Judgment in Favor of the Plaintiff* [Docket No. 70] (the "Reply"), in support of their *Revised Objection to the Bankruptcy Court's Report and Recommendation to the District Court Proposing that it Grant Summary Judgment in Favor of Plaintiff* [Docket No. 63] (the "Objection"). The filing of the Reply was improper.

Under Rule 9033(b) of the Federal Rules of Bankruptcy Procedure, which governs objections to a bankruptcy court's proposed findings of fact and conclusions of law, each party has fourteen days to file objections to the bankruptcy court's proposed findings of fact and conclusions of law and another fourteen days to respond to objections submitted by other parties. Under Rule 9033(c), the extension of time for filing objections may be extended for a period not to exceed 21 days from the expiration of time otherwise prescribed by the rule. *See* Fed. R. Civ. P. 9033(b), (c). Rule 9033(b) does not provide for the filing of reply briefs.

Here, in compliance with Rule 9033(c), the parties stipulated to a briefing schedule for, in pertinent part, (a) Defendants' Objection and (b) Highland's response thereto. *See Stipulation* [AP No. 21-03003-sgj, Docket No. 196] (the "Stipulation"). The Stipulation, in compliance with Rule 9033, also does not provide for the filing of a reply brief.

Please let us know by 11:00 am Central Time tomorrow whether Defendants will (a) withdraw the Reply, or (b) oppose a motion to strike.

If we don't hear from you by 11:00 am tomorrow, we'll mark Defendants down as presumptively opposed.

Highland reserves all rights.

Regards,
Hayley

Hayley R. Winograd
Pachulski Stang Ziehl & Jones LLP
Tel: 212.561.7700 | Fax: 212.561.7777
hwinograd@pszjlaw.com



EXHIBIT 5

From: John A. Morris <jmorris@pszjlaw.com>
Sent: Thursday, February 23, 2023 1:56 PM
To: Deitsch-Perez, Deborah R.; Aigen, Michael P.; 'Ruhland, Amy L.'; 'elmsd@gtlaw.com'; 'druvina@munsch.com'; 'Vasek, Julian'; 'Michael Lang'; Bill Gameros; Louis M. Phillips (Louis.Phillips@kellyhart.com); Mazin Sbaiti; JEB@sbaitilaw.com; 'david.fine@klgates.com'; 'a.lee.hogewoodIII@klgates.com'
Cc: Jeff Pomerantz; Gregory V. Demo; Hayley R. Winograd; zannable@haywardfirm.com
Subject: Highland: Local Rule 7.1(a) Conference
Attachments: Highland - Summary Chart.pdf; Highland - Vexatious Litigant Motion.pdf; Highland - Vexatious Litigant Memo of Law.pdf

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Counsel:

Highland Capital Management, L.P. intends to file the attached *Motion for Leave to Exceed Page Limit* (the “Motion for Leave”), together with the attached draft Memorandum of Law in support of Highland’s *Motion to Deem the Dondero Entities Vexatious Litigants and For Related Relief* (the “Vexatious Litigant Motion”) before Judge Starr in Case No. 3:21-cv-00881-X.

Based on certain court filings, we believe the following attorneys and/or firms represent the following people or entities identified as “Dondero Entities” in paragraph 2 of the Vexatious Litigant Motion:

Dondero, James	Stinson/Ruhland (Kirschner)
Dondero, Nancy	D. Elms/Stinson
NexPoint	Munsch Hardt/Stinson/M. Lang (fee appeal)
HCMFA	Munsch Hardt/Stinson
HCRE	Stinson (notes litigation)/Gameros/Ruhland (books and records)
HCMS	Stinson (notes litigation)
DAF	Phillips/Sbaiti
CLOH	Phillips/Sbaiti
Dugaboy	Draper/Stinson (valuation motion)/Ruhland (Kirschner)
Get Good	Draper/M. Lang (recusal)/Ruhland (Kirschner)
HMIT	Phillips/Stinson (valuation motion)
Funds	KL Gates
Strand	Munsch Hardt/Ruhland (Kirschner)
Get Good (non-exempt)	Draper

Please let us know if you have reason to believe that an attorney not copied on this email represents one of these people or entities and should receive this notice.

Pursuant to Local Rule 7.1(a), please let us know by **Friday, February 24 at 4:00 pm Central Time** whether your client is opposed or unopposed to the relief requested in (a) the Motion for Leave, or (b) the filing of the Vexatious Litigant Motion.

Highland reserves the right to amend or modify the attached documents but will alert you of any substantive changes if you are unopposed to any relief requested.

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Regards,

John

John A. Morris

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212.561.7760

Tel: 212.561.7700 | Fax: 212.561.7777

jmorris@pszjlaw.com

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EXHIBIT 6

From: Aigen, Michael P.
Sent: Friday, February 24, 2023 12:23 PM
To: John A. Morris; Deitsch-Perez, Deborah R.; 'Ruhland, Amy L.'; 'elmsd@gtlaw.com'; 'druvina@munsch.com'; 'Vasek, Julian'; 'Michael Lang'; Bill Gameros; Louis M. Phillips (Louis.Phillips@kellyhart.com); Mazin Sbaiti; JEB@sbaitilaw.com; 'david.fine@klgates.com'; 'a.lee.hogewoodIII@klgates.com'
Cc: Jeff Pomerantz; Gregory V. Demo; Hayley R. Winograd; zannable@haywardfirm.com
Subject: RE: Highland: Local Rule 7.1(a) Conference

John,
 Our side will need to get together as a group to discuss this. We will do so and get back to you by 5:00 cst on Tuesday, February 28, 2023. Let me know if that will be a problem.
 Mike

From: John A. Morris <jmorris@pszjlaw.com>
Sent: Thursday, February 23, 2023 1:56 PM
To: Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com>; Aigen, Michael P. <michael.aigen@stinson.com>; 'Ruhland, Amy L.' <Amy.Ruhland@us.dlapiper.com>; 'elmsd@gtlaw.com' <elmsd@gtlaw.com>; 'druvina@munsch.com' <druvina@munsch.com>; 'Vasek, Julian' <jvasek@munsch.com>; 'Michael Lang' <mlang@cwl.law>; Bill Gameros <bgameros@legaltexas.com>; Louis M. Phillips (Louis.Phillips@kellyhart.com) <Louis.Phillips@kellyhart.com>; Mazin Sbaiti <MAS@sbaitilaw.com>; JEB@sbaitilaw.com; 'david.fine@klgates.com' <david.fine@klgates.com>; 'a.lee.hogewoodIII@klgates.com' <a.lee.hogewoodIII@klgates.com>
Cc: Jeff Pomerantz <jpomerantz@pszjlaw.com>; Gregory V. Demo <GDemo@pszjlaw.com>; Hayley R. Winograd <hwinograd@pszjlaw.com>; zannable@haywardfirm.com
Subject: Highland: Local Rule 7.1(a) Conference

External Email – Use Caution

Counsel:

Highland Capital Management, L.P. intends to file the attached *Motion for Leave to Exceed Page Limit* (the “Motion for Leave”), together with the attached draft Memorandum of Law in support of Highland’s *Motion to Deem the Dondero Entities Vexatious Litigants and For Related Relief* (the “Vexatious Litigant Motion”) before Judge Starr in Case No. 3:21-cv-00881-X.

Based on certain court filings, we believe the following attorneys and/or firms represent the following people or entities identified as “Dondero Entities” in paragraph 2 of the Vexatious Litigant Motion:

Dondero, James	Stinson/Ruhland (Kirschner)
Dondero, Nancy	D. Elms/Stinson
NexPoint	Munsch Hardt/Stinson/M. Lang (fee appeal)
HCMFA	Munsch Hardt/Stinson
HCRE	Stinson (notes litigation)/Gameros/Ruhland (books and records)
HCMS	Stinson (notes litigation)
DAF	Phillips/Sbaiti
CLOH	Phillips/Sbaiti
Dugaboy	Draper/Stinson (valuation motion)/Ruhland (Kirschner)
Get Good	Draper/M. Lang (recusal)/Ruhland (Kirschner)

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HMIT	Phillips/Stinson (valuation motion)
Funds	KL Gates
Strand	Munsch Hardt/Ruhland (Kirschner)
Get Good (non-exempt)	Draper

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Regards,

John

John A. Morris

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212.561.7760

Tel: 212.561.7700 | Fax: 212.561.7777

jmorris@pszilaw.com

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EXHIBIT 7

From: John A. Morris <jmorris@pszjlaw.com>
Sent: Friday, February 24, 2023 1:34 PM
To: Aigen, Michael P.; Deitsch-Perez, Deborah R.; 'Ruhland, Amy L.'; 'elmsd@gtlaw.com'; 'druvina@munsch.com'; 'Vasek, Julian'; 'Michael Lang'; Bill Gameros; Louis M. Phillips (Louis.Phillips@kellyhart.com); Mazin Sbaiti; JEB@sbaitilaw.com; 'david.fine@klgates.com'; 'a.lee.hogewoodIII@klgates.com'
Cc: Jeff Pomerantz; Gregory V. Demo; Hayley R. Winograd; zannable@haywardfirm.com
Subject: RE: Highland: Local Rule 7.1(a) Conference

Mike,

Highland's brief analyzes aspects of more than two years of mind-numbing litigation and is only ten pages over the limit. We don't see a reasonable basis to oppose the motion and are surprised you need five days to decide that issue.

Nevertheless, after considering your request and solely as a professional courtesy, Highland will agree to the extend (a) until **Monday, February 27, at 5:00 pm Central Time**, the time to respond to the first issue concerning the **Motion for Leave**, and (b) as requested, until **Tuesday, February 28, at 5:00 pm Central Time**, to respond to the second issue concerning the **Vexatious Litigant Motion**, provided that all Dondero Entities (as defined in footnote 2), and anyone acting in concert with all or any of them, agree that they will not file any pleading or motion in any court addressing the matters raised in the Vexatious Litigant Motion or that otherwise enjoins, impedes, interferes with, prejudices, delays, or pre-empts the filing of the Motion for Leave.

For the avoidance of doubt Highland will file the Motion for Leave at 5:15 pm on Monday.

Please let us know if these terms are acceptable to all of the Dondero Entities (as defined in footnote 2), and anyone acting in concert with all or any of them.

Regards,

John

John A. Morris

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212.561.7760

Tel: 212.561.7700 | Fax: 212.561.7777

jmorris@pszjlaw.com

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From: Aigen, Michael P. [mailto:michael.aigen@stinson.com]
Sent: Friday, February 24, 2023 1:23 PM

App. 25

To: John A. Morris <jmorris@pszjlaw.com>; Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com>; 'Ruhland, Amy L.' <Amy.Ruhland@us.dlapiper.com>; 'elmsd@gtlaw.com' <elmsd@gtlaw.com>; 'drukavina@munsch.com' <drukavina@munsch.com>; 'Vasek, Julian' <jvasek@munsch.com>; 'Michael Lang' <mlang@cwl.law>; Bill Gameros <bgameros@legaltexas.com>; Louis M. Phillips (Louis.Phillips@kellyhart.com) <Louis.Phillips@kellyhart.com>; Mazin Sbaiti <MAS@sbaitilaw.com>; JEB@sbaitilaw.com; 'david.fine@klgates.com' <david.fine@klgates.com>; 'a.lee.hogewoodIII@klgates.com' <a.lee.hogewoodIII@klgates.com>
Cc: Jeff Pomerantz <jpomerantz@pszjlaw.com>; Gregory V. Demo <GDemo@pszjlaw.com>; Hayley R. Winograd <hwinograd@pszjlaw.com>; zannable@haywardfirm.com
Subject: RE: Highland: Local Rule 7.1(a) Conference

John,
Our side will need to get together as a group to discuss this. We will do so and get back to you by 5:00 cst on Tuesday, February 28, 2023. Let me know if that will be a problem.
Mike

Michael P. Aigen

Partner

STINSON LLP
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Direct: 214.560.2201 | [Bio](#)

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From: John A. Morris <jmorris@pszjlaw.com>
Sent: Thursday, February 23, 2023 1:56 PM
To: Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com>; Aigen, Michael P. <michael.aigen@stinson.com>; 'Ruhland, Amy L.' <Amy.Ruhland@us.dlapiper.com>; 'elmsd@gtlaw.com' <elmsd@gtlaw.com>; 'drukavina@munsch.com' <drukavina@munsch.com>; 'Vasek, Julian' <jvasek@munsch.com>; 'Michael Lang' <mlang@cwl.law>; Bill Gameros <bgameros@legaltexas.com>; Louis M. Phillips (Louis.Phillips@kellyhart.com) <Louis.Phillips@kellyhart.com>; Mazin Sbaiti <MAS@sbaitilaw.com>; JEB@sbaitilaw.com; 'david.fine@klgates.com' <david.fine@klgates.com>; 'a.lee.hogewoodIII@klgates.com' <a.lee.hogewoodIII@klgates.com>
Cc: Jeff Pomerantz <jpomerantz@pszjlaw.com>; Gregory V. Demo <GDemo@pszjlaw.com>; Hayley R. Winograd <hwinograd@pszjlaw.com>; zannable@haywardfirm.com
Subject: Highland: Local Rule 7.1(a) Conference

External Email – Use Caution

Counsel:

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Dondero, Nancy	D. Elms/Stinson
NexPoint	Munsch Hardt/Stinson/M. Lang (fee appeal)

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HCMFA	Munsch Hardt/Stinson
HCRE	Stinson (notes litigation)/Gameros/Ruhland (books and records)
HCMS	Stinson (notes litigation)
DAF	Phillips/Sbaiti
CLOH	Phillips/Sbaiti
Dugaboy	Draper/Stinson (valuation motion)/Ruhland (Kirschner)
Get Good	Draper/M. Lang (recusal)/Ruhland (Kirschner)
HMIT	Phillips/Stinson (valuation motion)
Funds	KL Gates
Strand	Munsch Hardt/Ruhland (Kirschner)
Get Good (non-exempt)	Draper

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Highland reserves the right to amend or modify the attached documents but will alert you of any substantive changes if you are unopposed to any relief requested.

Regards,

John

John A. Morris

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212.561.7760

Tel: 212.561.7700 | Fax: 212.561.7777

jmorris@pszjlaw.com

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EXHIBIT 8

From: "John A. Morris" <jmorris@pszilaw.com>

Subject: valuation

Date: 07 February 2023 16:33

To: "Deutsch-Perez, Deborah R." <deborah.deitschperez@stinson.com>

Cc: "Louis M. Phillips" <Louis.Phillips@kellyhart.com>, "Jeff Pomerantz" <jpomerantz@pszilaw.com>, "Gregory V. Demo" <GDemo@pszilaw.com>

External Email – Use Caution

Deborah:

The Movants' papers differ considerably from the Valuation Motion. Highland is considering its options and requests a two-week extension of time, through March 13, to respond to the Motion. Please let us know if Movants consent. I will contact you in the interim if Highland is interested in pursuing a stipulation concerning the Motion.

Regards,

John

John A. Morris

Pachulski Stang Ziehl & Jones LLP

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Tel: 212.561.7700 | Fax: 212.561.7777

jmorris@pszilaw.com

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Deborah R. Deitsch-Perez
Partner
Dallas
214.560.2218
x62218

From: Deitsch-Perez, Deborah R. [mailto:deborah.deitschperez@stinson.com]
Sent: Monday, February 6, 2023 5:14 PM
To: John A. Morris <jmorris@pszjlaw.com>
Cc: Louis M. Phillips <Louis.Phillips@kellyhart.com>
Subject: valuation

Hi John, We ended up filing the valuation adversary and I did note your conversation with Louis. The relief sought is somewhat different, so I did not want to presume. After you review can we talk and see if we can agree that the gatekeeper motion is not needed and make a schedule for the adversary. Thanks, Deborah

Deborah R. Deitsch-Perez
Partner

STINSON LLP
2200 Ross Ave, Suite 2900
Dallas, TX 75201
Direct: 214.560.2218 \ Mobile: 214.232.7582 \ [Bio](#)

Assistant: DAL.LSSTeam2@stinson.com \ 469.587.8860

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